1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 7 TIMOTHY PETER JOSEPH ROWE, 8 Case No. C23-5875-RAJ-SKV Petitioner, 9 ORDER GRANTING MOTION TO v. 10 STAY AND DIRECTING STATUS **UPDATES** MELISSA ANDREWJESKI, et al., 11 Respondents. 12 13 Petitioner, proceeding pro se and in forma pauperis in this habeas matter pursuant to 28 14 15 U.S.C. § 2254, moves to stay these proceedings until such time as he is able to exhaust his state 16 court remedies. Dkt. 9. Respondent does not oppose a stay for the limited purpose of allowing 17 Petitioner to attempt to exhaust his state court remedies. Dkt. 14. However, Respondent asks 18 that the Court condition the stay on requiring Petitioner to provide status updates every ninety 19 days until his federal grounds for relief are exhausted, and to set the stay to expire in one year 20 from the date of issuance unless Petitioner can show good cause for an extension. *Id.* The Court 21 now finds and concludes as follows: 22 The Motion to Stay and Abey Await State Remedy, Dkt. 9, is GRANTED. This **(1)** 23 action is STAYED pending resolution of Petitioner's state court proceedings.

ORDER GRANTING MOTION TO STAY AND DIRECTING STATUS UPDATES - 1

- (2) Within **thirty (30) days** after a state court issues a mandate or certificate of finality in the final state court proceeding addressing a federal ground for habeas relief, Petitioner shall file a motion to lift the stay in this action. The Court will thereafter lift the stay and Respondent will file and serve an answer in this matter within **forty five (45) days** of the dissolution of the stay.
- (3) Petitioner is directed to file a report every **one hundred and twenty (120) days** informing the Court of the status of Petitioner's state court proceedings. The first status report is due on or before **March 8, 2024**, and shall include the state court cause numbers.
- (4) The Court declines to adopt Respondent's proposal to set a one-year expiration date for the stay. However, Petitioner is advised that a failure to file a status report or to inform the Court of the issuance of the above-described mandate or certificate of finality may result in dismissal of his petition in this Court.
- (5) The Clerk shall send a copy of this Order to the parties and to the Honorable Richard A. Jones.

Dated this 9th day of November, 2023.

S. KATE VAUGHAN

United States Magistrate Judge